



Alaska Pollutant Discharge Elimination System (APDES) Pesticide General Permit

Public Outreach Meetings, November 9 and 10, 2016

Petersburg and Haines, Alaska

Michelle Hale – Director, Division of Water
Jim Rypkema – Program Manager, Storm Water & Wetlands

Purpose of today's meeting

- Describe Pesticide General Permit
 - What it does
 - What it does not do
- How to most effectively comment on it
- What DEC Division of Water can do with comments
- What DEC Division of Water cannot do with comments

Ground Rules

- This is a public meeting, not a public hearing
- Difference:
 - This meeting is interactive, providing information, answering questions
 - We are not taking testimony at this meeting
- Comments in writing accepted through November 18
- Suggest “questions, not statements”

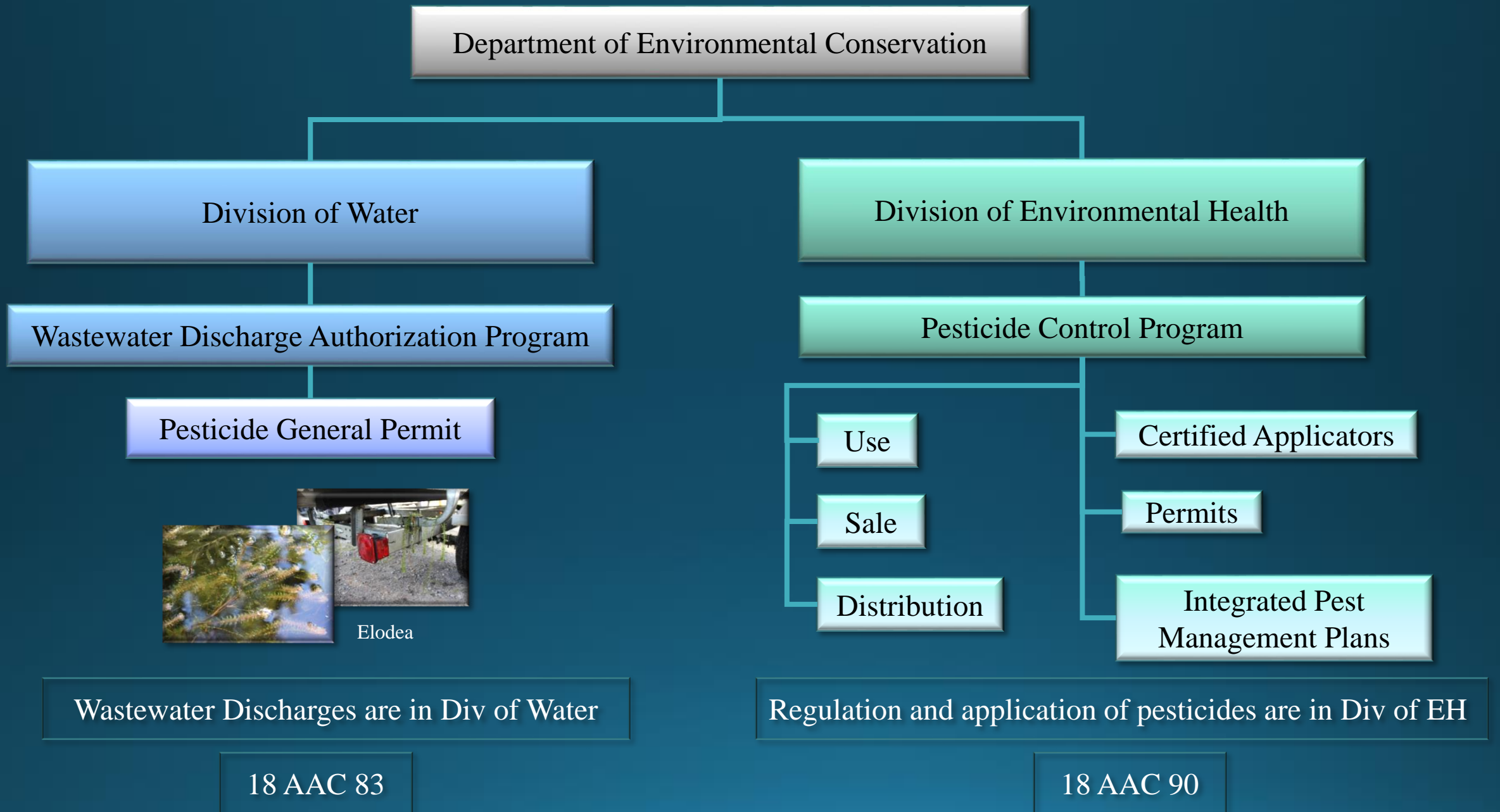
Who Regulates Pesticides at DEC?

- **Division of Environmental Health**

- Pesticide Control Program

- **Division of Water**

- Alaska Pollutant Discharge Elimination System (APDES) – Pesticide General Permit



History – Why an APDES General Permit?

- 2006 EPA Rule clarified EPA's longstanding interpretation that discharges from pesticide applications to waters did not require National Pollution Discharge Elimination System (NPDES) permit coverage.
- When applied in compliance with FIFRA labels (Federal Insecticide, Fungicide, and Rodenticide Act)
- EPA was sued on that rule and lost.

History – Why an APDES General Permit?

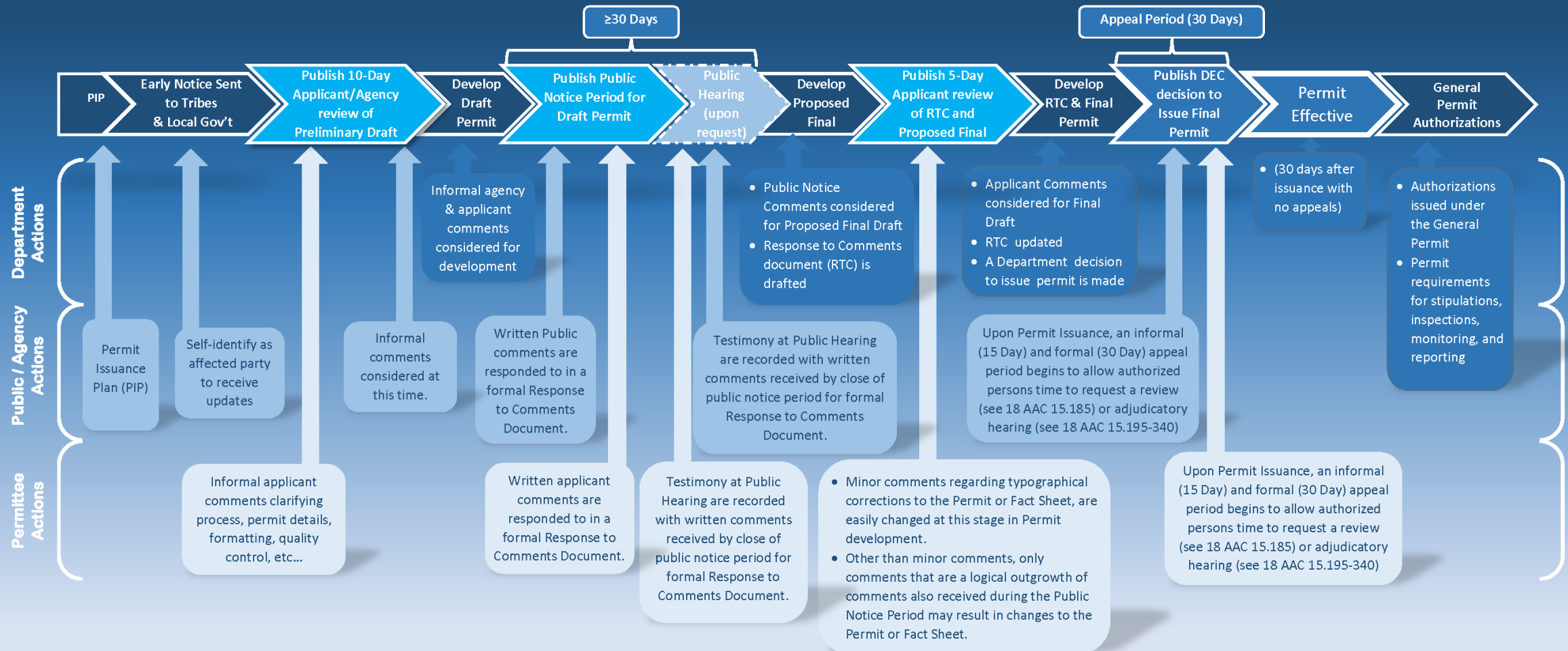
- 2009 decision by the 6th Circuit Court of Appeals in *National Cotton Council et al. v. EPA*:
 - Point source discharges to Waters of the United States of biological pesticides and chemical pesticides that leave a residue are pollutants under the Clean Water Act (CWA).
 - These discharges need to be covered under a NPDES permit.
- October 31, 2011: EPA issued its Pesticide General Permit that provides a mechanism for certain dischargers to comply with this new requirement
- First time permit coverage was available for pesticide discharges to water

Discharges of pesticides to waters

- This General Permit authorizes, for:
 - **Mosquito and other flying insect pest control**
 - **Weed and algae pest control**
 - **Animal pest control**
 - **Forest canopy pest control**
- Individual Permit also needed from Environmental Health Division

APDES General Permitting Process:

Opportunities for Public, Permittee, and Agency Involvement



Here's what we can do with your comments

- We can make changes to this General Permit for discharges of pesticides or pesticide residues to waters

Here's what we cannot do with your comments

- We cannot change Title 90, the regulations that govern pesticide application
- We cannot change FIFRA, the federal act governing pesticide development and use

* FIFRA – Federal Insecticide, Fungicide, Rodenticide Act

Alaska Pollutant Discharge Elimination System (APDES) – Pesticide General Permit



Scope of last GP – 17 authorizations

- Invasive species – 16
 - Elodea, reed canarygrass, northern pike
- Mosquito control - 1



Elodea

Authorizations Issued – last GP

Permit	Site / Facility	City	Responsible Party	Date Issued	Purpose
AKG870018	Kodiak Soil and Water Conservation District Pesticide	Kodiak	KSWCD	31-Mar-16	Invasive species: Reed Canarygrass
AKG870017	Alexander Lake Elodea PGP	Willow	State of Alaska DNR	26-Feb-16	Invasive species: Elodea
AKG870016	USFWS PGP Juneau	Juneau	USFWS	25-Jan-16	Invasive species: Reed Canarygrass
AKG870015	USFS Petersburg Ranger District Pesticide GP	Petersburg	US Forest Service	12-Jan-16	Invasive species: Reed Canarygrass, Bohemian Knotweed
AKG870009	Chena Slough & Chena Lakes Recreation Area, FSWCD, Elodea	Fairbanks	Fairbanks SWCD	8-Dec-15	Invasive species: Elodea
AKG870014	Eyak Cannery Pond SEPRO Weed Control	Cordova	SEPRO Corporation	10-Nov-15	Invasive species: Elodea
AKG870013	Lake O the Hills Weed Control SEPRO	Anchorage	Sepro Corporation	30-Oct-15	Invasive species
AKG870012	Campbell Lake SEPRO Weed Control	Anchorage	SEPRO Corporation	29-Oct-15	Invasive species
AKG870011	Lake Hood/Spenard DNR Elodea	Anchorage	DNR - Invasive Species	17-Aug-15	Invasive species: Elodea
AKG870010	USFS Wrangell Ranger District	Wrangell	US Forest Service	1-Jul-15	Invasive species: Reed Canarygrass, hawkweed and other species
AKG870008	JBER Otter Lake Otter Creek - Reed Canary Grass	JBER	773 CES	5-Jun-15	Invasive species: Reed Canarygrass
AKG870007	DNR DeLong, Little Campbell, and Sand Lakes Elodea	Palmer	DNR	2-Mar-15	Invasive species: Elodea
AKG870006	Whiting Harbor ADF&G Biocide Testing Invasive Tunicate	Sitka	ADF&G	5-Feb-15	Invasive species: Tunicate
AKG870005	JBER Mosquito	JBER	JBER 673 CES	15-Apr-14	Mosquito Larvae
AKG870001	Stormy Lake Daniels Lake Bishop Creek Elodea	Palmer	Kenai Peninsula Coop Weed Mgmt Area	24-Feb-14	Invasive species: Elodea
AKG870004	Soldotna Creek Drainage ADF&G	Soldotna	ADF&G	16-Sep-13	Invasive species: Northern Pike
AKG870002	National Park Service - Alaska Region	Anchorage	National Park Service - Alaska Region	30-Apr-13	Invasive species

Alaska Pollutant Discharge Elimination System (APDES) – Pesticide General Permit

18 AAC 83: Alaska Pollutant Discharge Elimination System Program

- October 31, 2011, the EPA issued its first NPDES Pesticide General Permit (PGP) applicable in areas where the EPA is the permitting authority for pesticide discharges to waters.
- EPA was permitting authority for pesticide discharges to water at that time.
- In 2012, EPA transferred authority to administer the PGP to Alaska via the APDES permitting program.
- The current PGP permit expired October 31, 2016, and is administratively continued until a new permit is reissued.

Alaska Pollutant Discharge Elimination System (APDES) – Pesticide General Permit



18 AAC 83: Alaska Pollutant Discharge Elimination System Program

- The PGP and related materials are available on the DEC website at <http://dec.alaska.gov/water/wnpspc/stormwater/PesticideGP.html>.
- Public Notice Documents are available on the DEC website at <http://dec.alaska.gov/water/wwdp/index.htm>

APDES Fact Sheet Components

- All APDES permits, including general permits, include a fact sheet
- What type of information is contained in a general permit fact sheet?
 - Principal facts and significant factual, legal, methodological, and policy questions considered in preparing the permit.
 - Brief description of types of activities covered.
 - Types of discharges covered.
 - Rationale for permit requirements
 - Brief summary of the basis for permit conditions.

Type of APDES Permits

- Individual Permits
 - 1 application submitted  1 permit issued.
 - Single permit written specific to one permittee.
- General Permits
 - 1 permit issued  Many NOIs submitted by many permittees.
 - Single permit written for a class of permittees.
- DEC expects the majority of discharges from pesticide applications to be covered under general permits.

Scope of the PGP

- PGP covers point source discharges to waters of the U.S. from the application of biological pesticides and chemical pesticides that leave a residue.
- The PGP covers the following pesticide use patterns:
 - **Mosquitoes and Other Flying Insect Pests**
 - **Weed and Algae**
 - **Animal Pests**
 - **Forest Canopy Pests**
- Agriculture Runoff and Irrigation Return Flow continue to be exempt under the CWA and do not require a permit.

APDES PGP – Who is Responsible for Obtaining Permit Coverage?

- (1) **Applicator**—Any entity who applies a pesticide or has day-to-day control of the application (i.e., they are authorized to direct workers to carry out those activities); or
- (2) **Decision-maker**—Any entity with control over the decision to perform pesticide applications including the ability to modify those decisions.

What is a Notice of Intent (NOI)?

- Document submitted by an Operator to notify a permitting authority of their intent for their eligible discharges to be covered under a General Permit.
- NOIs are not “applications” per se, but are similar to permit applications in that they notify the permitting authority of a discharge requiring permit coverage.
- APDES regulations require NOIs to include basic information on the discharger, type of discharges, and receiving water.
- NOIs cover discharges for the life of the permit (but may be modified or terminated).
- In certain instances, discharges can be covered under a general permit without submission of NOI.

Who Must Submit an NOI?

Operators of Discharges

- “Operator” – PGP defines as any entity associated with an application of a pesticide which results in a discharge to waters of the U.S.
- Types of Operators for PGP
 - Decision-makers
 - Applicators
 - For-hire applicators
- APDES PGP only requires certain Decision-makers to submit NOIs.
- All other Operators under the APDES PGP are covered automatically without needing to submit an NOI.

APDES PGP – NOI & Annual Thresholds

Pesticide Use	Decision - maker	NOI Submittal Required
Mosquito Other Flying Insect	Federal and State agencies	Required
	Mosquito control districts or similar pest control districts	Required
	Local governments or other entities	Required when Adulticide treatment is $\geq 6,400$ acres during a calendar year
Weed and Algae Pest Control	Federal and State agencies	Required
	Weed control districts or similar pest control districts	Required
	Local governments or other entities	Required when total treatment area in a calendar year exceeds more than either: <ul style="list-style-type: none"> • 20 linear mile of treatment area at water's edge, or • 80 acres of water (i.e., surface area)
Animal Pest Control	Federal and State agencies	Required
	Local governments or other entities	Required when total treatment area in a calendar year exceeds more than either: <ul style="list-style-type: none"> • 20 linear mile of treatment area at water's edge, OR • 80 acres of water (i.e., surface area)
Forest Canopy Pest Control	Federal and State agencies	Required
	Local governments or other entities	$\geq 6,400$ acres during a calendar year

Protecting Water Quality

- All Operators must minimize discharges by (part 2.0)
 - Using only the amount of pesticide and frequency of application necessary to control the target pest
- Applicators must (Part 2.1):
 - Maintain pesticide application equipment in proper operational condition
 - Assess weather conditions

Protecting Water Quality

- DEC expects that compliance with FIFRA in addition to compliance with the conditions in the permit will control discharges as necessary to meet applicable water quality standards.
- During the life of the permit, DEC may determine, after reviewing new information, that additional control measures are warranted and may add additional measures to an authorization.

* FIFRA – Federal Insecticide, Fungicide, Rodenticide Act

Protecting Water Quality

- Certain Decision-makers (i.e., Federal and state agencies, other entities with responsibility to control pests, and other entities that apply pesticides in excess of specified annual treatment area thresholds) must implement pest management measures based on IPM principals (Part 2.2.1 – 2.2.4)
 - Identify/assess pest problem
 - Assess pest management alternatives
 - Follow appropriate procedures for pesticide use

Pesticide Discharge Management Plan (PDMP)

Content of the PDMP includes:

- Pesticide discharge management team information
- Problem identification
- Pest management options eval
 - Preventative methods
 - Activities to monitor for presence of pests
 - Thresholds for allowable pest presence
 - Use of mechanical and physical controls
- Response procedures:
 - Spill Response Procedures
 - Adverse Incident Response Procedures

Pesticide Discharge Management Plan (PDMP)


Pest Management Options

Decision-maker must evaluate the following management options, including a combination of these, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:


- No action
- Prevention
- Mechanical or physical methods
- Cultural methods
- Biological control agents
- Pesticides



- <http://dec.alaska.gov/Applications/Water/WaterPermitSearch/Search.aspx>


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 **Alaska Department of Environmental Conservation**
Division of Water

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State of Alaska > DEC > Public Databases > Water Permit Search

WATER PERMIT SEARCH

Search for Alaska DEC Wastewater Discharge permits, authorizations, and certifications.


Permit/Tracking Number:	<input type="text" value="akg87"/>	Site/Facility:	<input type="text"/>
Permit Type:	<input type="text" value="Authorization under General Permit"/> ▼	City:	<input type="text"/>
Responsible Party (Owner/Operator):	<input type="text"/>	Zip Code:	<input type="text"/> <input type="button" value="Search"/>

Improving and Protecting Alaska's Water Quality

Number of permits found: 17


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State of Alaska > DEC > Division of Water > Wastewater Discharge Authorization > Storm Water > Pesticide General Permit

TRANSFERS OF PESTICIDE GENERAL PERMIT (PGP) FROM EPA TO ADEC

HIGHLIGHTS OF THE PESTICIDE GENERAL PERMIT REISSUANCE - NEW

Proposed Permit Coverage: ADEC proposes to reissue an APDES general permit to regulate source discharges of pollutants associated with the application of biological pesticides or chemical pesticides that leave a residue. This permit is commonly called the Pesticide General Permit (PGP). The PGP would apply statewide except for lands within the Metlakatla Indian Reserve and the Denali National Park Preserve.

The PGP covers point source discharges of pollutants associated with the application of biological pesticides or chemical pesticides that leave a residue from the following use patterns: 1) mosquito and other flying insect pest control; 2) aquatic weed and algae control; 3) aquatic nuisance animal control; and 4) forest canopy pest control.

The proposed 2016 PGP will remain largely unchanged from the 2011 PGP that was previously issued by EPA in 2011, from which Alaska assumed transfer of program responsibilities in October 2012 as part of the APDES program. The 2011 PGP expired on October 31, 2016 and is administratively continued and will remain in force and effect. If any Operator was authorized to discharge under this permit before the October 31, 2016, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of the conditions specified in Permit Part 1.2.4.

OF INTEREST:

- ★ [PGP tri-fold Handout - NEW](#)
- ★ [PGP FAQ's \(EPA website\) - NEW](#)
- ★ [PGP Responsibilities Flow Chart](#)
- ★ [DEC - EH Pesticide Control Program](#)
- ★ [Water Permit Search](#)

PERMIT LINKS:








- ★ [ADEC 2011 Pesticides GP Cover Page](#)
- ★ [2011 EPA Pesticides Final General Permit](#)
- ★ [PGP Forms](#)

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12/02/2016		Draft Permit	10/31/2016
12/02/2016		Fact Sheet	10/31/2016

AKG870000 PESTICIDE GENERAL PERMIT (PGP) FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES

POST EXPIRATION	FILE	DOCUMENTS	POSTED
11/18/2016		Informational Meeting Flyer - Petersburg, AK; Novebmer 9, 2016	10/31/2016
11/18/2016		Informational Meeting Flyer - Haines, AK; November 10, 2016	10/31/2016
11/18/2016		Public Notice, Second Extension	10/03/2016
11/18/2016		Public Notice Extension	08/25/2016
11/18/2016		Public Notice	08/02/2016
11/18/2016		Draft Permit	08/02/2016
11/18/2016		Draft Fact Sheet	08/02/2016

Last updated: 11/2/2016

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Department of Environmental Conservation
Division of Water
410 Willoughby Ave., Ste. 303, P.O. Box 111800, Juneau, AK 99811-1800
Phone: (907) 465-5180 || Fax: (907) 465-5177 || TDD: Alaska Relay: 1 (800) 770-8973



Summary

- Who regulates pesticides at DEC and regulating pesticide use in Alaska
 - **Division of Environmental Health** – pesticide use, sale, distribution, registration, certification, permits and IPM plans
 - **18 AAC 90** – Pesticide Control
 - RQMTS for on-site notification, public notice requirements for single and multiple use patterns
 - **Division of Water** – point source discharge to waters of the United States
 - **18 AAC 83** – Alaska Pollutant Discharge Elimination (APDES)
 - APDES - Pesticide General Permit

Public Process and Next Steps

- Public Meetings November 9th and 10th (Petersburg and Haines)
- Written Comments accepted until 5 pm, November 18th
- DEC reviews comments and may modify permit based upon comments
- If determination is to proceed, DEC Proposes Final Permit – a public process
- If determination is to proceed, DEC issues Final Permit

Public Comment

- Submit written comments to
Jim Rypkema
ADEC, WDAP
555 Cordova Street
Anchorage, AK 99501
Jim.Rypkema@Alaska.gov
- by November 18th, 5:00 pm

